THE SUPERIOR COURT OF CLAYTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,	:	
	:	
AARON MASON	:	
Contestant,	:	**CIVIL NO:** 2026CV01770-14
	:	
v.	:	
	:	
	:	
DEITRA PLESHETTE	:	
BURNEY-BUTLER,	:	
Contestee.	:	

FILED
CLAYTON COUNTY, GA
2026 MAY 22 A 11:45
CHARLE... CLERK S...

PETITION TO CONTEST ELECTION

COMES NOW Aaron Mason, a qualified elector of Clayton County, Georgia, and pursuant to O.C.G.A. § 21-2-524, files this Petition to contest the election for the office of Judge of the Superior Court of the Clayton Judicial Circuit, and shows the Court as follows:

Jurisdiction and Venue

1. This Court has jurisdiction under O.C.G.A. §§ 21-2-520 through 21-2-528, which vest exclusive jurisdiction over election contests in the Superior Courts of Georgia.

2. Venue is proper in this Court because the election being contested occurred in Clayton County.

Parties

1. Contestant Aaron Mason is a qualified elector residing in Clayton County, Georgia.

2. Contestee Deitra Pleshette Burney-Butler was declared the winner of the May 19, 2026 nonpartisan general election for Judge of the Superior Court of the Clayton Judicial Circuit.

Certification and Timeliness

1. The Clayton County Board of Elections and Registration has publicly announced that certification of the May 19, 2026 General Primary Election will occur at a Special Called Meeting on May 22, 2026.

2. This Petition is timely filed because it is within five (5) days after the certification, as required by O.C.G.A. § 21-2-524, and in advance of the official certification meeting.

Election Being Contested

1. The election at issue is the May 19, 2026, nonpartisan general election for the office of Judge of the Superior Court of the Clayton Judicial Circuit.

Grounds for Contest

A. Contestee Was Not Eligible for the Office (O.C.G.A. § 21-2-524(1))

1. Under O.C.G.A. § 15-6-4(a)[1], no individual may serve as a Superior Court judge unless, at the time of his or her election, the individual has practiced law for seven years and "is a member in good standing with the State Bar of Georgia."

2. The State Bar of Georgia defines Inactive Member in Good Standing as a member who is not eligible to practice law in Georgia and whose status does not permit the member to practice law. A true and correct copy of this definition is attached as Exhibit A.

3. The State Bar of Georgia's public directory lists Contestee Deitra Pleshette Burney-Butler as an Inactive Member in Good Standing, with an admit date of May 25, 1995, and no public discipline. A true and correct copy of this directory entry is attached as Exhibit B.

4. As an inactive member, Contestee was not authorized to practice law in Georgia on May 19, 2026.

5. Because Contestee was not authorized to practice law on Election Day, Contestee did not meet the

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[1] No individual shall be judge of the superior courts unless, at the time of his or her election, he or she has attained the age of 30 years, has been a citizen of the state for three years, has practiced law for seven years, and is a member in good standing with the State Bar of Georgia and has been duly reinstated to the practice of law in the event of his or her disbarment therefrom.
O.C.G.A. §15-6-4(a)

statutory qualifications required by O.C.G.A. § 15-6-4(a).

6. A candidate who does not meet the statutory qualifications at the time of election is ineligible to hold the office, and votes cast for such candidate are illegal and void.

B. Contestee Filed a False Qualification Affidavit and Was Never a Lawful Candidate

1. Under O.C.G.A. § 21-2-153, every candidate for judicial office must execute a sworn Notice of Candidacy and Affidavit of affirming that the candidate meets all statutory qualifications for the office at the time of qualifying.

2. Upon information and belief, Contestee executed the mandatory Notice of Candidacy and Affidavit qualified by O.C.G.A. 21-2-132 and 21-2-153, in which every judicial candidate must swear under oath that he or she is "eligible to hold such office." This sworn eligibility statement is required by statue and appears on every affidavit of candidacy for judicial office in Georgia for the May 19, 2026 election.

3. At the time Contestee executed her qualification affidavit, she was an Inactive Member in Good Standing with the State Bar of Georgia and was not eligible to practice law.

4. Contestee's sworn declaration that she met all qualifications for judicial office was therefore false at the time it was made, rendering her candidacy void ab initio.

5. Contestant will supplement this Petition with Contestee's affidavit of candidacy upon receipt from the Georgia Secretary of State or other appropriate elections office.

6. Because Contestee was never a lawful candidate, her name should not have appeared on the ballot, and the election should not have been contested.

C. The Election Result Is Void (O.C.G.A. § 21-2-524(4))

1. Because Contestee was not legally qualified for the office at the time of qualifying or at the time of the election, the election is void as a matter of law.

2. The Court must therefore declare Contestee ineligible, set aside the certification of the election, and order the appropriate remedy under O.C.G.A. § 21-2-527.

D. Contestant, as the Only Qualified Candidate, Received the Only Legal Votes and Should Be Declared the Winner.

1. Under O.C.G.A. §§ 21-2-6, 21-2-7, and 21-2-153, only qualified candidates may lawfully qualify for office or appear on the ballot. A person who does not meet the statutory qualifications for the office is not a lawful candidate, and any purported qualification is void ab initio.

2. Because Contestee was not authorized to practice law and therefore did not meet the requirements of O.C.G.A. § 15-6-4(a) at the time of qualifying or at the time of the election, Contestee was never a lawful candidate for the office of Superior Court Judge.

3. Georgia courts have long held that votes cast for an ineligible candidate are "void and ineffective" and must not be counted. When the votes for an ineligible candidate are disregarded, the remaining qualified candidate is deemed to have received the highest number of legal votes. Haynes v. Wells, 273 Ga. 106 (2000); Meade v. Williamson, 293 Ga. 142 (2013); Stephens v. Reid, 189 Ga. 372 (1939).

4. The presence of an ineligible candidate on the ballot does not invalidate the legal votes cast for the qualified candidate. Rather, the proper remedy is to disregard the void votes and certify the legal ones. See Haynes v. Wells, 273 Ga. 106 (2000).

5. Contestant was the only qualified candidate in the May 19, 2026 election. All votes cast for Contestant were legal votes. All votes cast for Contestee were void because Contestee was not a lawful candidate. See Haynes v. Wells, 273 Ga. 106 (2000).

6. Because Contestant received the only legal votes cast, Contestant received the highest number of legal votes and should be declared the winner of the election. See Meade v. Williamson, 293 Ga. 142 (2013).

7. The election should not have been contested at all, because Contestee was not eligible to qualify. The unlawful presence of an ineligible candidate on the ballot should not deprive the qualified candidate of the office to which he was legally elected. See Stephens v. Reid, 189 Ga. 372 (1939).

8. Georgia courts possess equitable authority to certify the rightful winner when the legal votes clearly identify one. Here, the legal votes are known, uncontested, and unaffected by any irregularity. Contestant is therefore entitled to be declared the duly elected Judge of the Superior Court of the Clayton Judicial Circuit. See Haynes v. Wells, 273 Ga. 106 (2000).

Prayer for Relief

WHEREFORE, Contestant respectfully requests that this Court:

1. Assume jurisdiction over this election contest;

2. Declare that Contestee Deitra Pleshette Burney-Butler was not qualified to be elected to the office of Superior Court Judge under O.C.G.A. § 15-6-4(a);

3. Declare that Contestee's candidacy was void ab initio due to her false qualification affidavit;

4. Set aside the certification of Contestee as the winner;

5. Declare that Contestant, as the only qualified candidate receiving the only legal votes, is the duly elected Judge of the Superior Court of the Clayton Judicial Circuit;

6. In the alternative, declare the election void pursuant to O.C.G.A. § 21-2-527; and

7. Grant such further relief as the Court deems just and proper.

FILED
CLAYTON COUNTY, GA
2026 MAY 22 A 11:45

Respectfully submitted this 22nd day of MAY, 2026.

Aaron B. Mason

Aaron B. Mason, Contestant

Aaron Mason
9151 Tara Boulevard
Jonesboro, GA 30236
(770) 477-4542
aaron.mason@claytoncountyga.gov

Verification

1. Personally appeared before me the undersigned Contestant, who on oath states that the facts contained in the foregoing Petition are true and correct to the best of his knowledge and belief.

Aaron B. Mason, Contestant

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Sworn to and subscribed before me

this 22 day of May, 2026.

Notary Public

LULU SVEC
NOTARY PUBLIC
FAYETTE COUNTY, GEORGIA
MY COMMISSION EXPIRES
JUNE 02, 2029

My Commission Expires: 6-2-2029

Exhibits

Exhibit A – State Bar of Georgia definition of "Inactive Member in Good Standing."

Exhibit B – State Bar directory entry for Deitra Pleshette Burney-Butler.

Exhibit C – Contestee's Qualification Affidavit (to be filed upon receipt).